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ANNUAL REPORT

OF

PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1952 to June 30, 1953

ELLERY E. CUFF

PUBLIC DEFENDER

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REPORT OF THE PUBLIC DEFENDER

July 1, 1952 to June 30, 1953

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For a better understanding of this report, it is believed a very brief outline of the duties and limitations of the Public Defender should be included, as well as a word relating to the organization of the office.

The County Charter, under which the office of Public Defender was created, provides that upon request by the defendant or upon order of the court, the Public Defender shall defend, without expense to them, all persons who are not financially able to employ counsel and who are charged, in the superior court, with the commission of any contempt, misdemeanor, felony or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to result in a reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed $100, and in which, in the judgment of the Public Defender, the claims urged are valid and enforceable in the courts.

The Charter also provides that each county or township officer, board or commission shall have the powers and perform the duties now or hereafter prescribed by general law, and by this Charter, as to such officer, board or commission.

In 1943 the State enacted a law creating a "Procedure for restoration of rights and application for pardon," after a convicted person had served his term of imprisonment. This is commonly referred to as the "Rehabilitation Act," and it prescribes in detail the conditions and circumstances to be followed by those desiring to avail themselves of the benefits. The act also provides that the applicant, if he has no counsel, shall be represented by the Public Defender.

While the procedure set forth in the codes is comparatively simple, experience has taught us each step must be set up and covered with the strictest accuracy, even to the minutest detail, in order to achieve the result desired. Undoubtedly there abided in the minds of those who must ultimately act in these matters the thought (or perhaps fear) that many frauds would be attempted by unworthy applicants, and therefore extreme caution must be practiced.

In 1949 the State Legislature amended the Government Code in defining the duties of the Public Defender by requiring the Public Defender to represent persons having no attorney or the financial means of employing one, who are charged with the commission of any contempt or offense triable in the superior court at all stages of the proceedings, including the preliminary examination.

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This latter amendment necessitated a slight increase in personnel to handle the additional duties imposed on the office. However, the effect of this would seem to have accomplished beneficial results. Excluding the areas embraced in the cities of Los Angeles and Long Beach, there is a substantial increase in the disposition of cases in the municipal or justice courts in cases where felony complaints were filed. Stating it another way, where such complaints were filed we find a larger percentage are disposed of in the lower courts by dismissal, or pleas to some crime commensurate with the facts of the case, thereby reducing the number of defendants who otherwise would have been held to answer. Every time we can avoid putting the machinery of the superior court in motion, it represents a substantial saving to the county.

By having an attorney trained in criminal law appear at the preliminary hearing, proper cross-examination or evidence produced by the defense often brings to light that the crime charged was not committed at all or that the facts, if showing a crime was committed, do not amount to a felony. Not only that, but there are numerous instances where the accused is held to answer and the foundation is laid paving the way for an early disposition of the case when it arrives in the superior court. (This is partially reflected by the number of master calendar dispositions.)

At the extra session of the Legislature in 1952 the sexual psychopath laws were amended to the extent that

if an alleged sex psychopath appearing at his hearing, "Has no attorney, the judge may appoint an attorney for him, or the judge may order the public defender to represent him at the hearing, if he determines that the person is not financially able to employ counsel."

The office for the year embraced the Public Defender, Chief Deputy and seventeen Deputy Public Defenders.

The attorneys are required to devote all of their time to the duties of the office and are not permitted any outside private practice.

The office has an investigation staff of four - one Lieutenant and three Investigators. The clerical staff consists of one Secretary, one Intermediate Secretary, three Legal Secretaries, one Intermediate Stenographer and one Stenographer.

The main office of the Public Defender is located in the Hall of Records, in the Civic Center of Los Angeles. Several years ago a branch office was opened to serve the departments of the superior court in Long Beach. The Long Beach office is staffed with a Deputy Public Defender and a Legal Secretary. The criminal departments of the superior court functioning in Pasadena, Pomona and Santa Monica are served by deputies working out of the main office.

A word should be added relating to the functions of the office on the civil side. This is the less spectacular phase of the work, but none the less it is important both from

the viewpoint as to the rights of the individual involved and indirectly as it affects county government expenditures. The greater portion of accepted cases involve the release of wages from attachment. Releasing the wages, which may be wrongfully attached, of the head of a family otherwise destitute, of course, helps the family and frequently keeps them from being forced to apply for assistance at the County Charities Department or some other charitable institution, but mostly county. When they are driven to such action it involves considerable expense to the county. It is bad for the individual to be on charity in more ways than one. It is bad for the county when an individual is a charge thereof.

The office exercises extreme care that none but those properly eligible for legal assistance are accepted. The number of such cases is reflected elsewhere in this report. Even with good times and plenty of employment there are those unfortunates, the unwise and those who at the time indebtedness was incurred were all right but subsequent reverses of one sort or another, death to some member of the family, illness, injuries, and the like, have altered their ability to carry their full measure of financial commitments, who find themselves defendants in law suits. And, of course, there are the improvident who buy beyond their means. These are exploited and imposed upon by overzealous vendors who get them to sign contracts calling for payments far beyond their abilities to pay, but not at all understood by the individual. And many

are the unwary who sign contracts to get out of one bad situation only to learn to their consternation that they are in deeper financial mires than before. No small number are victims of the most palpable frauds. Any or all of these usually have families dependent entirely upon their weekly earnings. These are the type of cases handled by the office, either by way of taking some immediate action to ameliorate their condition or giving them appropriate advice as sound judgment may dictate.

The work of the investigation staff is confined almost exclusively to the criminal jurisdiction of the office. The Investigators' duties are comparable to those of investigators in any private law office or the District Attorney's office - locating witnesses and making field investigations of cases assigned to them by trial deputies in the department. The policy of the office is to investigate thoroughly and ascertain the true facts, regardless of whether it proves favorable or unfavorable to the accused. This phase of the work of the office has resulted in substantial economies which are reflected and measured by the number of dismissals noted, in many of which unimpeachable evidence was discovered showing the complete innocence of the defendants although at first the evidence appeared strong against them. On the other hand, the facts brought to light by the same type of investigation has been instrumental in bringing about a substantial number of pleas of guilty in proper cases.

By such careful investigation the chance of miscarriage of justice is reduced to a minimum, equitable dispositions of many cases are summarily adjusted which otherwise would have had to be tried, and in almost every trial in which there has been an investigation the duration of the trial is shortened by reason of the fact that the trial deputy is fully advised as to the evidence to be presented and is able to present it expeditiously. While substantial savings are effected in trial courts, great care is exercised that the rights of an accused person are in no manner sacrificed.

COMPOSITE STATISTICAL RECORD
OF CRIMINAL WORK OF OFFICE
July 1, 1952 to June 30, 1953

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NUMBER OF NEW CASES RECEIVED (excluding preliminary hearings):			
Los Angeles:			
Felonies	3,080		
Contributing	96		
Pasadena	268		
Pomona	119		
Santa Monica	208		
Long Beach	316	4,087	
VIOLATIONS OF PROBATION:			
Los Angeles	247		
Pasadena	23		
Pomona	44		
Santa Monica	17		
Long Beach	53	384	
CIVIL INSANITY WITH JURY TRIAL		25	
MOTIONS TO MODIFY PROBATION:			
Los Angeles	3		
Pasadena	5		
Pomona	6		
Santa Monica	4		
Long Beach	7	25	
PRELIMINARY HEARINGS		1,176	
SEX PSYCHOPATHIC HEARINGS		88	
PRESENT INSANITY HEARINGS (arising from criminal charges)		11	
MISCELLANEOUS:			
Habeas corpus, contempts, juvenile petitions, etc.		61	5,857

* * * * * *

REHABILITATION PROCEEDINGS:			
Rehabilitation proceedings initiated		37	
Hearings on rehabilitation petitions		27	
Certificates of good character granted		24	
Certificates of good character denied without prejudice		3	91
UNFINISHED CASES: Pending 7-1-52 and finished during current year - all courts			390
UNFINISHED CASES: Pending 6-30-53 - all courts			592
APPEALS			2

SUMMARY OF DISPOSITIONS OF CRIMINAL CASES

July 1, 1952 to June 30, 1953

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Dispositions			Number of Cases
MASTER CALENDAR DISPOSITIONS:			
Pleaded guilty		1,824	
Substituted out - no pretrial preparation (substituted out after plea of guilty 37)		145	
Dismissed		76	
Transferred to Juvenile Court		20	
Placed off calendar because:			
Presently insane	7		
Civil insanity petitions filed	14		
Defendants unavailable - bench warrants issued	3	24	2,089
TRIAL COURT DISPOSITIONS:			
Pleaded guilty		764	
Substituted out after pretrial preparation		199	
Dismissed		113	
Transferred to Juvenile Court		10	
Placed off calendar because:			
Civil insanity petitions filed	2		
Presently insane	3		
Defendants unavailable - bench warrants issued	7		
Action taken in other collateral cases or other miscellaneous reasons	4	16	1,102
TRIAL BY JURY TO VERDICT - ON FELONY CASES			110
TRIAL BY COURT, WITHOUT JURY, TO VERDICT - ON FELONY CASES			507
TRIAL AFTER PETITION OF CIVIL INSANITY FILED (CRIMINAL CASES):			
Charged with crime but because of mental condition permission granted to file insanity petition and the criminal case placed off calendar			10

(continued) Dispositions		Number of Cases
VIOLATIONS OF PROBATION	376	
Placed off calendar - defendant not available for hearing and bench warrant issued	2	378
PRELIMINARY HEARINGS:		
Held to answer	880	
Transferred to Juvenile Court	12	
Pleaded guilty to misdemeanor	81	
Dismissed or otherwise disposed of	39	
Substitutions	164	1,176
MISCELLANEOUS:		
Petitions to modify probation:		
Granted	22	
Denied	1	
Substituted out or off calendar	2	25
Youth Authority petitions to dismiss:		
Granted	4	
Denied	1	5
Sex Psychopathics:		
Returned from State Hospital for sentence or other disposition		24
CONTRIBUTING TO DELINQUENCY OF MINOR CASES:		
Pleaded guilty	51	
Dismissed or placed off calendar	16	
Substituted out	14	
Transferred to Juvenile Court	1	
Trials by court - no jury	9	
Trials by jury	1	92

CIVIL JURISDICTION

July 1, 1952 to June 30, 1953

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Applications in which advice was given:		
Los Angeles	7,244	
Long Beach	211	7,455
Applications rejected:		
Refused:		
Los Angeles	346	
Long Beach	45	
Referred to attorneys:		
Los Angeles	2,113	
Long Beach	13	2,517
*Applications referred to other agencies and unclassified:		
Los Angeles	1,899	
Long Beach	220	2,119
Accepted cases (see next table):		
Los Angeles	3,321	
Long Beach	358	3,679
		15,770

*Because the subject matter was not within the office jurisdiction (example - real property) or applicant able to pay a fee.

DETAIL OF ACCEPTED CASES

Illegal attachments - garnishments:		
Los Angeles	2,596	
Long Beach	356	2,952
Guardianships:		
Los Angeles	176	
Long Beach	1	177
Persecutions - other than exemptions and invalid assignments:		
Los Angeles	191	
Long Beach	1	192
Wage claims and miscellaneous:		
LosAngeles	63	
Long Beach	-	63
Waivers of premarital test:		
Los Angeles	266	
Long Beach	-	266
		3,650

CIVIL JURISDICTION

(continued)

RECOVERED FOR CLIENTS

Wages released from illegal attachments - garnishments:		
Los Angeles	$146,142.73	
Long Beach	18,682.15	$164,824.88
Defense in civil cases:		
Los Angeles	$2,962.78	
Long Beach	-	2,962.78
Wages collected:		
Los Angeles	$25.00	
Long Beach	-	25.00
Miscellaneous items:		
Los Angeles	$970.92	
Long Beach	-	970.92
Collected on cases pending 7-1-52		1,616.55
		$170,400.13

Total appearances in court on civil cases:		
Los Angeles	836	
Long Beach	12	848
Appeals		2

REPORT OF BUREAU OF INVESTIGATION

July 1, 1952 to June 30, 1953

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Criminal cases handled	1,615
Civil cases handled	17
	1,632
*Defendants represented, criminal	1,720
Persons interviewed in field	6,300
Persons subpoenaed at interview	465

*A case sometimes involves more than one defendant.

CHARGES INVESTIGATED
July 1, 1952 to June 30, 1953

Robbery	171	647a Penal Code	1
Att. Robbery	12	Forgery	165
Murder	23	CNSF	136
Att. Murder	3	Escape	40
Grand Theft	57	Violation Probation	3
Grand Theft/Person	24	Narcotics	190
Grand Theft/503 Vehicle Code	170	Receiving Stolen Property	7
Petty Theft	29	501 Vehicle Code	29
Burglary	250	503 Vehicle Code	8
Att. Burglary	7	480 Vehicle Code	18
Burglary/Grand Theft	18	506a Vehicle Code	4
Burglary/Grand Theft/503 V.C.	11	273d Penal Code	7
Manslaughter	4	347 Penal Code	1
Assault Deadly Weapon	61	Indecent Exposure	1
ADW/Murder	23	Failure to Provide	5
Assault/Force	12	Abortion	1
Assault/GBI	17	Bigamy	3
Assault/Robbery	2	Conspiracy	1
Assault/Rape	10	Civil Insanity	10
Rape	38	Bookmaking	3
Att. Rape	4	Arson	9
288 and 288a Penal Code	68	Child Stealing	1
Contributing to delinquency of minor	8	Deadly Weapon Control Law	21
Incest	1	Assault with caustic chemicals	1
Kidnap	6	Att. Grand Theft	2
Kidnap/Robbery	8	Miscellaneous	10
Att. Kidnap	1	Civil	17
		TOTAL CHARGES INVESTIGATED	1,732

FINANCIAL REPORT

OF

PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1952 to June 30, 1953

MONEYS RECEIVED

Total amount of moneys collected and received for and on behalf of the persons represented by the Public Defender under the law. Said moneys were collected from claimants for costs and from defendants indebted to said persons so represented:	$965.57

No moneys belonging to the County of Los Angeles were collected.

MONEYS EXPENDED

Total salaries paid		$203,914.54
Total Outlay Expenditures:		
Books	$141.84	
Furniture & Furnishings	612.09	753.93
Total Maintenance & Operation		5,374.59
		$210,043.06

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